

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JONATHAN D. SMITH,

11 Petitioner,

12 v.

13 DONALD HOLBROOK,

14 Respondent.

15 CASE NO. 3:17-CV-05664-RJB-JRC
16 ORDER ADOPTING REPORT AND
17 RECOMMENDATION

18 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
19 Richard Creatura, and the remaining record, does hereby find and **ORDER**:

- 20 (1) The Court adopts the Report and Recommendation (Dkt. 8).
21 (2) Petitioner's habeas petition is DISMISSED without prejudice; petitioner may
22 refile his habeas petition when he has exhausted his state court remedies.

23 Dated this 27th day of November, 2017.

24 
25 ROBERT J. BRYAN
26 United States District Judge